

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 6, 9, 12, and 18-19 have been amended. No new matter is submitted and reconsideration of the allowability of all pending claims is respectfully requested.

Claims 1-3, 6, 9, 12-15, and 18-19 are pending and under consideration, with claims 1-3 having been allowed.

REJECTION UNDER 35 U.S.C. § 101

Claims 9 and 12-15 were rejected under 35 U.S.C. §101, with the Office Action indicating that claims 9 and 12 are directed to non-statutory subject matter. Independent claims 9 and 12 have been amended to clarify that the claimed apparatus at least includes a processing device and uses the processing device to perform the transforming, for example. It is respectfully submitted that claims 9 and 12 set forth statutory subject matter.

Accordingly, withdrawal of the §101 rejection is respectfully requested.

REJECTION UNDER 35 USC §102

Claims 6 and 9 stand rejected under 35 USC §102(b) as being anticipated by Park et al., U.S. Patent No. 6,438,525. This rejection is respectfully traversed.

It is noted that the body of the rejections of claims 6 and 9 also includes rejection rationales for rejecting claims 18 and 19, accordingly, though claims 18 and 19 are not recited as being rejected, i.e., claims 18 and 19 are not currently rejected, the below remarks are submitted for all claims 6, 9, and 18-19.

The Office Action sets forth that “[w]hile the applicant seems to argue that K is representative of all the quantized samples in a frame, the claim only requires K quantized. There is not requirement that K is the total number of samples. Thus Park can fairly be read on the claim where $k=4$. Thus the MSB remaining for every 4 samples are coded.”

Here, the Office Action is referring to 8 samples of Park et al., in col. 7, lines 49-65, and col. 7, line 66, through col. 8, line 11, where Park et al. requires 8 quantized values, each with 4 bits, such that four MSB bits of 1010 are coded, four MSB bits of 0000 are coded, four bits of the MSB-1 bits of 0001, four bits of the MSB-1 of 0000 are coded, down to the four bits of the LSB of 0100 being coded.

Accordingly, Park et al. cannot be interpreted as setting forth "Huffman-decoding the audio data *in groups of K quantized samples*, each group including K-bit sized symbols *in order* from *a first symbol formed with MSB bits, a symbol formed with MSB-1 bits, down to a symbol formed with LSB bits* and obtaining quantized samples by referring to the coding model information"

First, Park et al. cannot be interpreted as disclosing or suggesting that there is ever a Huffman decoding of audio data in groups of K quantized samples corresponding to samples within the groups being K-bit sized symbols.

As noted, Park et al. requires 8 samples of 4 bit sized symbols, and the 8 samples are grouped for Huffman coding.

In addition, in Park et al., after any first MSB symbol that is coded, the next *in order* symbol is another MSB symbol. Conversely, claims 6, 9, 18, and 19 require the next *in order* symbol is the MSB-1 symbol.

Still further, Park et al. fails to suggest or disclose "differentially decoding additional information containing scale factor information...", as recited in amended independent claims 6, 9, and 19 and "differentially coding additional information containing scale factor information...", as recited in amended independent claim 18.

Accordingly, it is respectfully submitted that Park et al. fails to disclose or suggest all the claimed features of independent claims 6, 9, 18, and 19.

Withdrawal of this rejection is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/735,894

Docket No.: 1901.1345

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Sept. 13, 2010

By: 

Stephen T. Boughner
Registration No. 45,317

Res. No 52,790

for

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501